



June 19, 2018

Mr. John Shams
Scorpion Fitness
220 Fifth Avenue
New York, NY 10001

Re: Delay Notification Letter; Scorpion Fitness

Dear Mr. Shams,

Regarding your Re-Design of the HVAC system drawings, other drawings and sketches you have sent to us, and changes to the design documents you have made with field direction sketches that you have signed for changes to be made:

1. You have requested for IDDC to continue to install the HVAC system and ductwork per the revised plans on the approved shop drawing of 6/8/18, but you are in receipt of the attached email from the landlord that informs you need to get landlord approval of changes to the initial plans issued for construction. IDDC has previously informed you that you have put the cart before the horse in that you have pushed us to get ductwork and materials on site to furnish and install your ground floor ductwork and cut floor penetrations and structural steel catwalks to do the install, but you are in receipt of a letter email from the Landlord to not proceed without landlord approved plans. So once again....we commenced, but are not stopped. This is a continual issue on this project and has created enormous financial burden on IDDC as general contractor with mobilization and demobilization costs and inefficient use of manpower. We have ductwork on site, but we cannot proceed further without the approved Landlord plans, or you will be asking us to create a lease violation condition. We request again either a hold harmless document from you so we will not be responsible for any changes or penalties the Landlord may require or issue us the landlord approved plans. Please issue either so we can continue to perform the installation.
2. In response to your email of 6/19 inferring that your flooring is waiting on some work to be completed, please refer to the contract schedule, original and revised per your request weeks ago, which will show you that flooring needs to be installed after rough in electric for lighting, and to date we do not have a design for lighting in either of the studios that receive rubber flooring. Please supply this lighting design as requested previously, so we can finish the work and price out any changes to the contract

drawings and it is independent of the ceiling ductwork and should have been installed weeks ago, but you did not meet your obligation of supplying tile that should be installed before the guardrail, and it has further delayed our work and schedule and you have not provided a design for the stairwell guardrail to coordinate with the flooring which has further delayed our work. Your HVAC redesign for the ground floor was issued to us on 5/28/18. We promptly issued a duct shop drawing to you on 6/1/18. We did not get an approved shop drawing back from you until 6/5/18. We conducted a walkthrough with you on site with the approved shop drawing on 6/8/18 when you made changes in the field on how the ductwork should be installed across the stair and into the mezzanine. We immediately sent the drawing and your hand marked field revisions to the duct fabricator on 6/9/18. Duct was fabricated and delivered to the site on Friday 6/15/18 and Monday 6/18/18. We started to install on 6/18/18 and when we requested you to get the landlord to cut the floor penetrations we were immediately shut down for your not meeting your lease obligations.

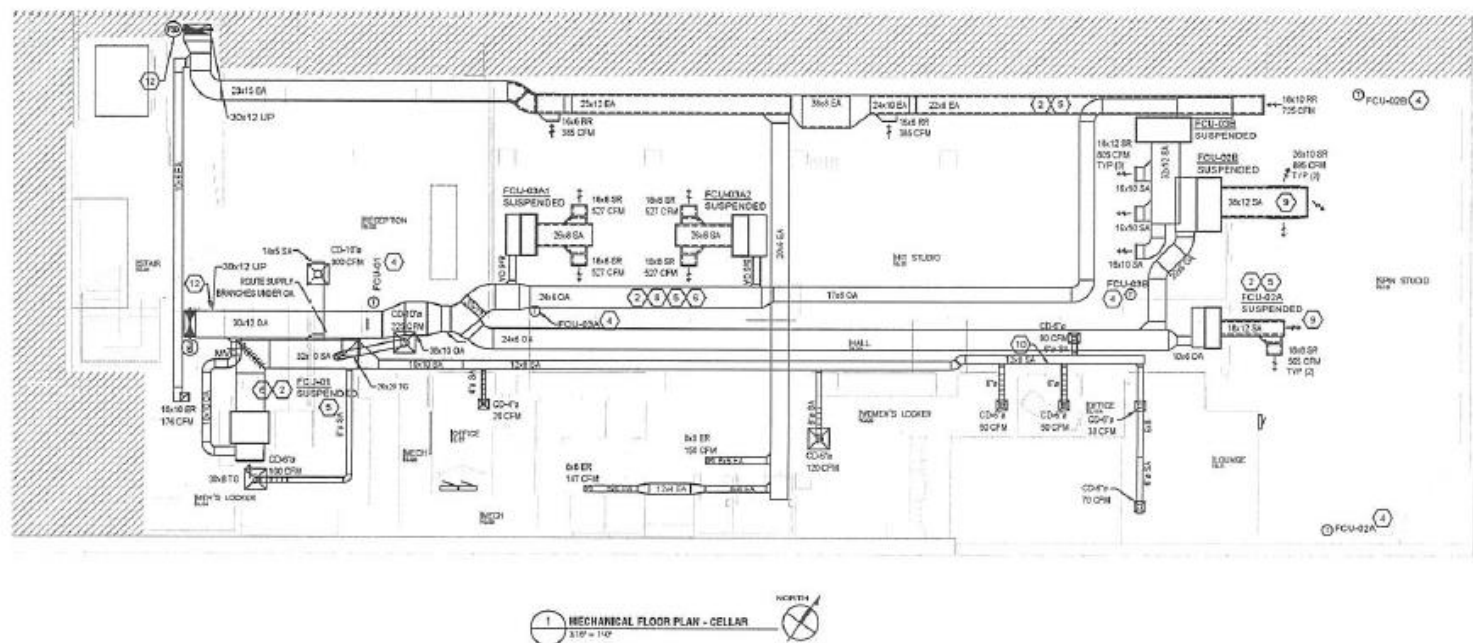
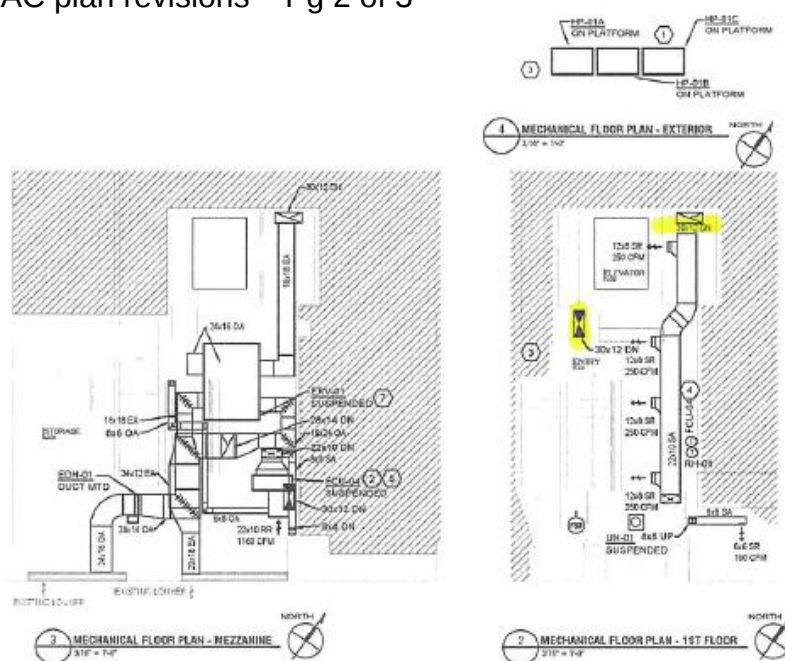
3. In addition, we still have numerous owner supplied materials and documents not completed by John Shams that has created inefficient work, increased management and labor costs, and delayed schedule of our work, such as:
 - a. No return of the shop drawing for the elevator finishes.
 - b. No hold harmless letter for the ADA women's toilet room request by John Shams to build it smaller than code allows.
 - c. No Post Approved Addendum on architectural plans for ADA egress changes, changes to fire rated corridors, and other items.
 - d. No Post Approved Addendum for plumbing plans to cure the plumbing inspection objection because the filed plumbing plans at the Dept. of Buildings does not match the construction set of plans sent to us to build.
 - e. No Landlord approvals of any of the changes John has made to the MEP and architectural documents.
4. In addition: many of the previous items on the Delay letter of June 6, June 3, June 1, and March 7, copied below are still unresolved. Please read below and respond asap. See below.

Sincerely,

Peter J. Bryant

Peter Bryant
President
IDDC
55 Prospect Street, Suite 407
Brooklyn, NY 11201
917.478.3658

Cc attny

[illegible]

<h1 style="margin: 0;">BERNHEIMER ARCHITECTURE</h1>					
318 E 118TH ST. NEW YORK, NY 10028 www.bernheimerarchitecture.com P 347 763 0861 F 347 763 0862					
CONSULTANTS: STRUCTURAL ENGINEER					
MEP ENGINEER					
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<p><small>These drawings & specifications, including the ideas, design & engineering represented herein, are the property of Bernheimer Architecture, PLLC. The purchaser shall be required, otherwise, to return, in order to be compensated with any other work or project other than that for which they have been prepared within the approved contract of Bernheimer Architecture, PLLC.</small></p>					
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MECHANICAL FLOOR PLANS					
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FOR OWNER
REVIEW ONLY
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Scorpion revised plans

